UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.10
27 September 1996

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-ninth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Bolivia

1. The Committee examined the eighth, ninth, tenth, eleventh, twelfth and thirteenth periodic reports of Bolivia, which were submitted in a single document (CERD/C/281/Add.1), at its 1157th and 1160th meetings held on 5 and 7 August 1996 (see CERD/C/SR.1157 and 1160). In the light of the examination of the report and the observations made by the members of the Committee, the Committee, at its 1176th meeting, on 19 August 1996, adopted the following concluding observations. 1/

A. Introduction

2. While the Committee regrets the long period, since 1983, during which no reports were submitted by the State party, it welcomes the submission of the combined eighth, ninth, tenth, eleventh, twelfth and thirteenth periodic reports. The Committee expresses appreciation for the frank manner in which the report addresses the actual situation in Bolivia. It also expresses its appreciation for the additional information provided by members of the State party's delegation and for their willingness to engage in a constructive dialogue with the Committee. The information contained in the report and in

1/ The Committee takes note of the document submitted by the Government of Bolivia on 21 August 1996 concerning legislative proposals made by the Ministry of Justice for the elimination of all forms of racial discrimination. This document can be considered by the Committee when Bolivia submits its next periodic report.

the oral answers to its questions allowed the Committee to obtain a clearer view of the overall human rights situation in the State party with respect to racial discrimination.

3. The Committee notes that the State party has not made the declaration provided for by article 14 of the Convention; some members of the Committee requested the State party to consider the possibility of making such a declaration.

B. Factors and difficulties affecting the implementation of the Convention

4. Note is taken, with concern, of the conditions of extreme poverty principally affecting members of the indigenous population. Poverty is evident in the lack of access to some basic services, such as provision of clean water, medical care, education and electricity.

5. The high rate of illiteracy and the fact that the national language, Spanish, is spoken by only 44 per cent of the population, and the large number of languages and dialects spoken in the country are noted with concern, as they make communication difficult between the various ethnic groups and, in many cases, place indigenous persons at a disadvantage in the defence of their human rights.

6. Concern is also expressed about the complex problem of drug trafficking and, in the rural areas, drug production, principally affecting members of the indigenous population, which the Government, faced with economic problems and violations of the law, as well as external pressures, is struggling to eradicate.

C. Positive aspects

7. The progress made in stabilizing the national economy is welcomed, as are the Government's efforts to reduce the great disparities between the level of development of the capital and other urban areas relative to the remote rural areas of Bolivia.

8. In addition, the Law on Popular Participation of 1994 is welcomed for its recognition of indigenous communities as juridical persons and granting to such communities the power to engage in certain activities independently of the central authorities. These include the capacity to contract public projects and to receive international assistance for local development.

9. The abolition of the practice of debt imprisonment is welcomed. This practice by definition has affected the poorer sectors of society and consequently has had important racial implications.

10. The new measures to provide maternity care and medical care for infants until the age of five years, under Supreme Decree 24,303, are welcomed and considered to be in conformity with article 5 (e) of the Convention.

11. The protection of the indigenous population should be improved by the planned adoption of legal provisions for the establishment of various institutions with specific areas of responsibility in the protection of human rights, including the National Organ for Minors, Women and the Family and the

Sub-Secretariat on Human Rights in the Ministry of Justice. The post of a national human rights ombudsman envisioned in the constitutional reforms of 1994 is also welcomed.

D. Principal subjects of concern

12. Deep concern is expressed over the lack of legislative provisions classifying as an offence punishable by law the dissemination of ideas based on racial superiority or hatred, acts of violence or incitement to violence against any race or group of persons of another colour or ethnic origin and the provision of assistance to racist activities, as required under article 4. In this connection, attention is drawn to the fact that failure to take such action impairs implementation of article 6 on the right to effective protection and remedy.

13. Attention is drawn to article 5 (c), in accordance with which all persons have the right to have equal access to the public service. In this regard, regret is expressed that the law on the public service, adopted in 1992, does not expressly prohibit racial discrimination in the selection of public servants.

14. Note is taken of the disparities in the access to economic, social and cultural benefits by different ethnic groups. While the difficulties in providing such benefits to regions far removed from the capital are appreciated, the disproportionate effects that may hinder the relative development of different communities are of deep concern, as they can perpetuate racial discrimination towards disadvantaged groups.

15. With respect to article 7, it is considered that insufficient information was made available concerning efforts in teaching and education to combat prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship, as required under this article.

16. It is noted with regret that quantitative information regarding the ethnic composition of the population, the geographic areas where minority communities are concentrated, the level of their standard of living and other educational and social indices was not provided in the present report. Such information is essential for the Government itself to detect possible patterns of discrimination and for the Committee to monitor effectively the implementation of the Convention.

E. Suggestions and recommendations

17. The Committee urges the Government to consider its obligations to make all forms of racial discrimination, as specified in article 4 of the Convention, punishable by law. In this respect, it notes with satisfaction the indication that the Government would welcome technical assistance towards this end. The Committee recommends that the Government avail itself of the technical cooperation services of the Centre for Human Rights of the United Nations.

18. The Committee recommends that information regarding the ethnic composition of the population, the geographic areas where minority communities are concentrated, the level of their standard of living and other educational and social indices be provided in the next report, which should be an updating

report focused on those questions and subjects of concern raised by the Committee during the examination of the present report. It also requests that the next report include data on the indigenous communities that are affected by drug trafficking and how the Government's policies and programmes are affecting those groups. It will be appreciated if that information includes the amount of land withdrawn from coca production, the amount of land continuing to produce coca, the number of persons affected and the ethnic origin of those persons, as well as the effects of the Government's programmes on their living standards. If it is considered that assistance in this area would be helpful, the Committee recommends that the Government request technical assistance from the Centre for Human Rights with respect to the collection and analysis of data.

19. The Committee recommends that the next periodic report contain detailed information concerning the draft bill on land reform. It requests that the report explain how demands for sustainable development, for the promotion of agriculture and for protection of the rights of the indigenous and peasant communities will be reconciled in the draft bill.

20. The Committee urges that immediate attention be paid to the development of rural areas where many indigenous communities are situated. It encourages the Government to consider expansion of the economic and social infrastructure to enable those communities to be provided with access to clean water, energy, medical care, education, and other essential services and, in this regard, it calls special attention to the situation of the Guaraní people. The Committee encourages the Government to seek international assistance towards this end.

21. The Committee strongly recommends that the next periodic report include information regarding any measures taken to remedy the problems outlined in the report concerning judicial sentencing. In particular, the Committee requests information concerning the number of complaints of racial discrimination which have been made and examples of sentencing to be included in the next periodic report to gain a better understanding of the way in which the judicial system implements the obligations of the State under the Convention.

22. The Committee recommends that the next periodic report include information on how the Law on University Reform and other related measures will affect minority students and communities.

23. The Committee recommends that the State party consider how it may implement the working provisions of article 7 and incorporate in the school curricula and the training of persons in the public service appropriate instruction to effectively combat prejudice and promote tolerance.

24. The Committee recommends that the State party ratify at its earliest convenience the amendments to article 8, paragraph 6, of the Convention, adopted by the 14th meeting of States parties.

25. The Committee recommends that the next periodic report of the State party due on 22 October 1997, be updating in character and that it address all the points raised in the present concluding observations.